

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	David Wong	Art Unit :	3691
Serial No. :	10/632,701	Examiner :	Lalita M. Hamilton
Filed :	July 31, 2003	Conf. No. :	3616
Title :	COMPLIANCE RULES FOR DYNAMIC BIDDING		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BRIEF ON APPEAL

**(1) Real Party in Interest**

Sap Aktiengesellschaft, the assignee of this application, is the real party in interest.

**(2) Related Appeals and Interferences**

There are no related appeals or interferences

**(3) Status of Claims**

Claims 1-37 stand rejected under 35 U.S.C. § 103(a), and the rejection was made final in an Office Action mailed September 26, 2007. A notice of appeal was filed March 25, 2008. No claims have been allowed or canceled.

Applicant appeals the rejections of all pending claims 1-37.

**(4) Status of Amendments**

All amendments have been entered. The last amendment to the claims was made in connection with a request for continued examination (RCE) filed November 23, 2005. A listing of the current claims is provided in the Appendix provided with this Appeal Brief.

**(5) Summary of Claimed Subject Matter**

The subject matter of the claims relates generally to a software-based tool that assists a company purchasing agent user, for example, in creating what is referred to as an "opportunity" (for example, a request for quotation, or RFQ) and in evaluating supplier responses to the created opportunity. (See generally Paras. 0009-0010 and 0032.) The tool, generally, allows a user to

associate a “compliance rule” with the opportunity, and then uses the compliance rule in the evaluation of a response to the opportunity. (See generally Para. 0009.)

Independent claim 1, in particular, is directed to a computer-implemented method. (See Figures 1A and 1B, and description at Paras. 0034-0037; see also Figure 10, and description at Paras. 0085-0089; see also Paras. 0097-0101.) The method comprises “receiving user input to generate an opportunity representing a desired commercial transaction.” (See Paras. 0035 and 0040, and Figures 2-3B; see also Figure 10, reference number 1010.) The user input includes “opportunity data associated with the desired commercial transaction.” (See Paras. 0040-0052, and Figures 3A-5.) The method also comprises “receiving user input to associate a particular compliance rule with the opportunity.” (See Paras. 0044, 0060 and 0063, and Figures 3B and 9A-9B; see also Figure 10, reference number 1020.) That user input “specif[ies] a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” (see Paras. 0061 and 0064, and Figures 9A-9B), and “further specif[ies] the particular compliance rule of a plurality of pre-defined compliance rules” (see Paras. 0058-0059, 0061-0062, and 0064-0065). The method also comprises “generating the opportunity using a computer-implemented bidding tool.” (See Paras. 0030-0037 and 0052.) The claim also recites that “the opportunity includes the opportunity data,” (see Para. 0052), and recites that “generating the opportunity comprises associating the particular compliance rule with the opportunity,” (see Paras. 0060-0065; see also Figure 10, reference number 1020.)

The claim 1 computer-implemented method further comprises “electronically communicating the opportunity to a potential supplier,” (see Paras. 0052-0053, 0056 and 0087, and Figure 10, reference number 1030), and “electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute,” (see Paras. 0052-0053 and 0087, and Figure 10, reference number 1040). Finally, the method comprises “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.” (Paras. 0028, 0030 and 0088, and Figure 10, reference number 1050; see also Paras. 0092-0096, and Figure 12.)

Independent claim 12 is similarly directed to a computer-implemented method. (See Figures 1A and 1B, and description at Paras. 0034-0037; see also Figure 10, and description at

Paras. 0085-0089; see also Paras. 0097-0101.) The claim 12 method comprises “receiving user input via a computer-user interface, the input specifying a particular response attribute of a plurality of response attributes to evaluate using a compliance rule.” (See Paras. 0061 and 0064, and Figures 9A-9B). The method also comprises “receiving user input specifying a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute.” (See Paras. 0044, 0058-0065, and Figures 3B and 9A-9B; see also Figure 10, reference number 1020.) Finally, the claim 12 method comprises “receiving user input specifying an action to take based on evaluating the attribute data using the particular compliance rule.” (See Paras. 0063, 0066-0075 and 0088.)

Independent claim 16 is directed to an article comprising machine-readable medium storing instructions operable to cause one or more machines to perform certain operations. (See Paras. 0097-0098.) The operations are similar, although not exactly the same as, the computer-implemented method set forth in independent claim 1. The operations comprise “receiving user input to generate an opportunity representing a desired commercial transaction.” (See Paras. 0035 and 0040, and Figures 2-3B; see also Figure 10, reference number 1010.) The user input includes “opportunity data associated with the desired commercial transaction.” (See Paras. 0040-0052, and Figures 3A-5.) The operations also comprise “receiving user input to associate a particular compliance rule with the opportunity.” (See Paras. 0044, 0060 and 0063, and Figures 3B and 9A-9B; see also Figure 10, reference number 1020.) That user input “specif[ies] a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” (see Paras. 0061 and 0064, and Figures 9A-9B), and “further specif[ies] the particular compliance rule of a plurality of pre-defined compliance rules” (see Paras. 0058-0059, 0061-0062, and 0064-0065).

The claim 16 operations further comprise “communicating the opportunity to a potential supplier,” (see Paras. 0052-0053, 0056 and 0087, and Figure 10, reference number 1030), and “receiving a response from the potential supplier, the response including response attribute data for the particular response attribute,” (see Paras. 0052-0053 and 0087, and Figure 10, reference number 1040). Finally, the operations comprise “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular

compliance rule.” (Paras. 0028, 0030 and 0088, and Figure 10, reference number 1050; see also Paras. 0092-0096, and Figure 12.)

Independent claim 27 is directed to a system comprising various “means” elements for performing various functions similar to those recited in the computer-implemented method of claim 1. (See Figures 1A and 1B, and description at Paras. 0034-0037; see also Figure 10, and description at Paras. 0085-0089; see also Paras. 0097-0101.) The corresponding structures for the various “means” elements include, at least, a processor and memory in which program instructions are stored, as well as algorithms embodied in the program instructions.

The claim 27 system comprises “means for receiving user input to generate an opportunity representing a desired commercial transaction.” (See Paras. 0035 and 0040, and Figures 2-3B; see also Figure 10, reference number 1010.) The user input includes “opportunity data associated with the desired commercial transaction.” (See Paras. 0040-0052, and Figures 3A-5.) The system also comprises “means for receiving user input to associate a particular compliance rule with the opportunity.” (See Paras. 0044, 0060 and 0063, and Figures 3B and 9A-9B; see also Figure 10, reference number 1020.) That user input “specif[ies] a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” (see Paras. 0061 and 0064, and Figures 9A-9B), and “further specif[ies] the particular compliance rule of a plurality of pre-defined compliance rules” (see Paras. 0058-0059, 0061-0062, and 0064-0065). The system also comprises “means for generating the opportunity including the opportunity data.” (See Paras. 0030-0037 and 0052.) The system also comprises “means for associating the particular compliance rule with the opportunity,” (see Paras. 0060-0065; see also Figure 10, reference number 1020.)

The claim 27 system further comprises “means for communicating the opportunity to a potential supplier,” (see Paras. 0052-0053, 0056 and 0087, and Figure 10, reference number 1030), and “means for receiving a response from the potential supplier, the response including response attribute data for the particular response attribute,” (see Paras. 0052-0053 and 0087, and Figure 10, reference number 1040). Finally, the system comprises “means for evaluating the response attribute data for the particular response attribute using the particular compliance rule.” (Paras. 0028, 0030 and 0088, and Figure 10, reference number 1050; see also Paras. 0092-0096, and Figure 12.)

**(6) Grounds of Rejection to be Reviewed on Appeal**

All claims stand rejected under 35 U.S.C. § 103(a), and the rejection was made final in an Office Action mailed September 26, 2007. More specifically, claims 1-6, 8-9, 12-21, 23-24, 27-32 and 34-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer (U.S. Patent No. 6,356,909) in view of Albazz (U.S. Patent Publication No. 2002/0046081); claims 7, 22 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Albazz as applied to claims 1 and 16, and in further view of Lee (U.S. Patent Publication No. 2002/0615814); and claims 10-11, 25-26 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Albazz as applied to claims 1, 16 and 27, and in further view of Tenorio (U.S. Patent Publication No. 2003/0208424).

Specifically with respect to all of the pending independent claims 1, 12, 16 and 27, the Examiner has contended that "Spencer discloses the invention substantially as claimed," but concedes "Spencer does not disclose compliance rules." (Office Action of Jan. 3, 2007, page 2.) The Examiner has contended, however, that "Albazz teaches the use of compliance rules for requests and bidding (p.5, 56-59 and p.8, 99-103)," and has contended that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate compliance rules to allow the bidding to provide for the best possible responses." (Office Action of Jan. 3, 2007, pages 2-3.)

**(7) Argument**

Applicant submits that each of the pending independent claims 1, 12, 16 and 27 defines subject matter that is patentable over the cited Spencer and Albazz references, and respectfully requests that the rejection of claims 1, 12, 16 and 27 be reversed, as well as the rejection of their respective dependent claims 2-11, 13-15, 17-26 and 28-37.

The Examiner's obviousness rejections based on Spencer and Albazz are unsustainable for several reasons. First, although Spencer does in fact fail to disclose compliance rules as the Examiner has properly conceded, Spencer is deficient for additional reasons in that Spencer does not disclose or suggest other aspects of Applicant's claims. Second, Albazz does not disclose or suggest compliance rules of the type set forth in Applicant's claims, and does not disclose or



suggest the use of compliance rules in a manner set forth in Applicant's claims. As such, even if one were to combine the teachings of Spencer and Albazz, no prima facie case of obviousness can be made. Finally, there is no disclosure or suggestion, in any reference of record including Albazz, to adapt Spencer in the manner set forth in Applicant's claims. In particular, Albazz cannot be the basis for such a suggestion, because the "Terms and Conditions Sets" disclosed in Albazz are not compliance rules having features as are forth in Applicant's claims (namely, a specified particular response attribute and a specified particular compliance rule), and moreover, there is no disclosure or suggestion in Albazz or in any other reference of record to use those "Terms and Conditions Sets" as compliance rules in the manner set forth in Applicant's claims (namely, analyzing data for the particular response attribute using the particular compliance rule).

Applicant's independent claim 1, for example, is directed to a method that includes, among other things, "receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules."

Applicant's claim 1 further recites, for a received response to the opportunity from a potential supplier, "using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule."

The significance of the above-quoted claim language can be appreciated with reference to Applicant's Figure 9A copied below, which shows an example of a plurality of compliance rules (910) that a user can select for the opportunity – namely, a discard rule, a weighting rule, a processing rule, and a order of precedence rule.

900

**Compliance Rules**

Rule Type <span style="float: right;">910</span>	Response Attribute <span style="float: right;">920</span>
Discard Rule ▾	Supplier ID ▾
Weighting Rule	Supplier Location
Processing Rule	Material ID
Order of Precedence Rule	Quantity
Miscellaneous Rule	Ship Date

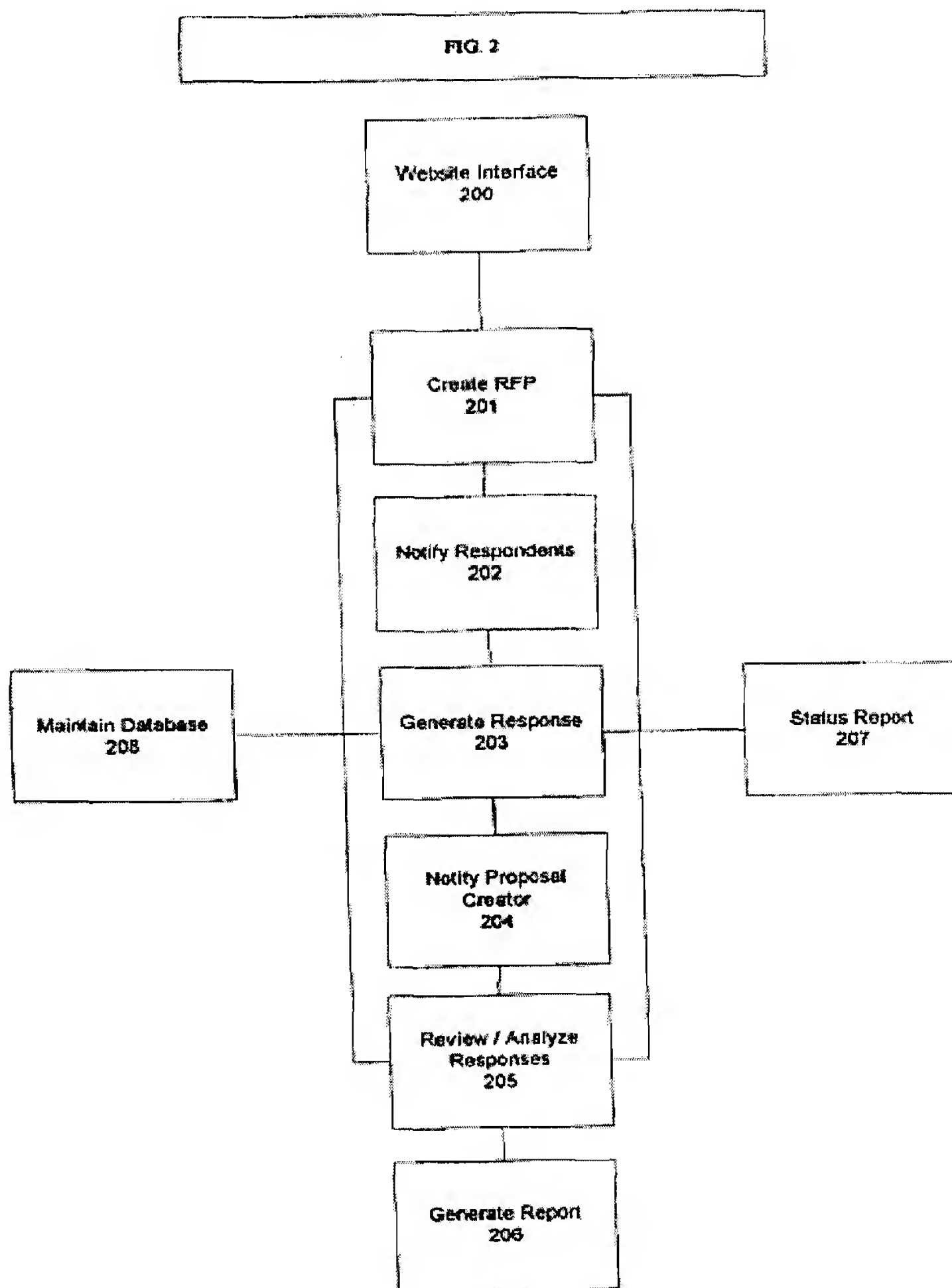
  

Rule <span style="float: right;">930</span>	Associate With <span style="float: right;">940</span>
Discard If	All Opportunities ▾
= list ▾	Opportunity Type =
= Supplier ID	Associate Criteria
Retain If	
= list	
= Supplier ID	

**FIG. 9A**

As is also shown in Figure 9A copied above, the user is also able to select one of several response attributes (920) to be used with the selected compliance rule. Thus, Applicant's claimed subject matter provides for flexibility in selecting the appropriate compliance rule type of several types and associating that with one of the response attributes. Additionally, the ability to configure how responses will be processed, by providing for the selection of one of a plurality of pre-defined compliance rules and then providing for the selection of the response attribute that the rule will be applied to, makes it easy and intuitive for a user, without any programming experience, to set up an on-line request for proposal.

Spencer, by contrast, discloses a web-based system managing requests for proposals (RFPs) and responses that does not use compliance rules of the type set forth in Applicant's claims, and does not use compliance rules in the manner set forth in Applicant's claims. Spencer discloses an overview of the process in Figure 2, copied below:



As shown in Spencer's FIG. 2 copied above, the process includes creating an RFP (201), generating responses (203), and reviewing/analyzing responses (206).



Spencer discloses the use of a “question database” and a “response database” in which responses are linked to particular questions in the question database. (Col. 8, lines 23-24; see also Figures 3A-3D and corresponding description.) Spencer discloses a user being able to create an RFP using questions in the Questions database, and alternatively being able to select a previously created RFP's and modify or tailor an existing RFP to create a new RFP. (Col. 8, lines 22-37.) Spencer discloses an example of a created RFP in Figure 21A, copied below:

**Home : View RFP : Widgets Incorporated**

**RFP Status: Posted**

**I. Qualifying Questions**

1. **Are you capable of administering the plan that has been specified in the RFP?**  
Yes. We are fully capable of administering all of the provisions.
2. **Are you NCQA accredited?**  
Yes.

**II. Administration**

1. **Please describe your administrative services?**  
Our administrative services are awesome :-)
2. **Is there an additional cost for administrative services**  
No.
3. **If there is a cost for administrative services, please summarize them here.**  
Not applicable, there is no additional cost for admin services.
4. **What is your retention for overhead and profit?**  
B.

**III. Performance Guarantees**

1. **Please describe your performance guarantees.**  
We guarantee everything 100%.

**FIG. 21B**

Spencer discloses that in one embodiment “each question is accompanied by one or more criteria that is used to develop a scoring summary for evaluating responses.” (Col. 12, lines 65-67.) In this regard, Spencer discloses (at col. 12, line 67 to col. 13, line 18):

... For example, multiple choice questions may have a sliding value depending on the answer selected. If the question is worth, for example, five points, then the desired answer warrants full credit for the question, however, other (partial) answers warrant partial credit. This method is used for multiple

choice questions. True/false and yes/no questions are all-or-nothing, that is, either the full credit is given or no credit is given for the question. The scoring for text questions is subjective and requires manual user intervention for assigning points to the respective responses.

Additionally, each question/section is given a weight that is used to develop a scorecard. The scorecard enables the RFP creator to review and value individual question responses. The scorecard is a user defined form designed to aid in the identification of qualified vendors. The points for the weighted questions and sections are summed to produce the scorecard document that identifies the most qualified vendors. For example, multiple choice questions may have a sliding value depending on the answer selected.

Spencer also discloses that once the RFP is created, it is posted in a location on the Web accessible through a web site interface, and an electronic notification of the posting such as an e-mail is provided to selected potential respondents, who are able to prepare responses. (Col. 8, lines 39-59; see also Figure 2.) Spencer further discloses that once a response to a posted RFP is received, the RFP creator reviews and analyzes the response using a computer program. (Col. 9, lines 13-15.) In this regard, Spencer discloses (at column 15, line 55 to column 16, line 5):

When the e-mail notice of completion is received by the RFP creator, the RFP creator or the creator's delegates may review the proposal using the automated features of the system that utilizes the criterion and weight associated with each response within the proposal. The analysis may begin once a response deadline has passed or when all of the completion e-mails have been received. In step 60, the system checks all RFPs to verify that all completed responses have been submitted. A response wizard validates all question responses and compares them to an established scoring criteria. The response wizard, based on the weights of the questions and weights of the RFP sections, creates a report in step 69 giving preliminary results for all questions that can be evaluated by the system. This report details the initial findings based upon the established criteria which can be evaluate by the system. The report includes yes/no questions, multiple choice and text questions that can be evaluated by the system without manual intervention.

Based upon the results of the report, the RFP creator can determine which vendors meet the basic criteria to continue with the evaluation process. If a vendor meets the minimum criteria set by the user, they are considered a finalist as shown in step 62. If a vendor does not meet the criteria, the rest of the analysis is terminated and the vendor is no longer considered for the proposal (step 63). In step 70, the rejected vendors are issued a notice, preferably, by e-mail that they are no longer in contention for the work. This notice is also posted to a status report page.

Albazz discloses a system and method for workflow control of contractual activities executed pursuant to a contract. (Abstract.) Albazz discloses the use of a "Business Rules Book" that contains a set of rules from which specific rules may be selected for inclusion in a contract. (Para. 0015.) In particular, one party to a contract (e.g., a seller) selects what is called a "Terms and Conditions Set" from a plurality of stored "Terms and Conditions Sets." (Para. 0015.) The parties to the contract (that is, the seller and the buyer), Albazz discloses, settle the provisions of the contract by agreeing to a mutually acceptable Terms and Conditions Set. (Para. 0015.)

Albazz discloses that the agreed-upon Terms and Conditions Set are linked with other information in a contract profile that creates a contract between the parties, and the contract is "locked" to prevent unilateral amendment by either party. (Paras. 0016 and 0083.) Then, Albazz discloses, subsequent contractual activities under the contract are executed through the contract as a conduit, which automatically inserts values from the parameters in the contract. (Paras. 0017 and 0083.) Albazz discloses that therefore, absolute conformity with the terms of the contract is maintained for each activity executed under the contract, and manual administration activities are minimized. (Paras. 0018 and 0087.)

Albazz further discloses that for each contractual activity executed under the contract, the terms of the activity are imported into transaction documentation from the contract itself. (Para. 0090.) Albazz discloses that this avoids both the administrative burden of ensuring compliance with the contract and the interposition of human error or oversights which may occur through manual administration. (Para. 0090.) Albazz discloses that in each transaction, business forms in a format previously agreed to by the parties are generated automatically from the contract elements. (Para. 0090.)

Claims 1-11 are patentable over Spencer and Albazz

With respect to Applicant's claim 1, there is no disclosure or suggestion in any reference of record of a method that includes a) "receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules;

b) “electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute;” and c) “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

Importantly with respect to claim 1, the association of a particular compliance rule with an opportunity in claim 1 involves the receipt of user input that specifies both “a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule” and “the particular compliance rule of a plurality of pre-defined compliance rules.” Also importantly, the claim 1 method also includes, for a received response, “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

Spencer, by contrast, does not disclose or suggest the claimed compliance rule (including both a particular response attribute of a plurality of response attributes and a particular compliance rule of a plurality of compliance rules), and does not disclose or suggest the use of the claimed compliance rule in the manner set forth in the claim (namely, receiving a response that includes response attribute data for the particular response attribute, and, using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule).

Instead, Spencer discloses a very different process to set up automated or manual evaluation of RFP responses, wherein questions included in the RFP may be given a “question criteria” and a “question weight.” (See Spencer at Figure 4, blocks 26 and 27, and col. 12, line 65 to col. 13, line 18.) These are used to calculate a score for each RFP response. But in such a case, there is no evaluation of response attribute data for a particular response attribute using a particular compliance rule, as Applicant’s claim 1 requires. This much is conceded by the Examiner, in that the Examiner has properly not relied on Spencer’s disclosure of “question criteria” or “question weight” in rejecting any of Applicant’s claims.

The Examiner has instead relied upon Spencer as disclosing one part of the claimed compliance rule (namely, the particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule), and Albazz as disclosing the other part of the claimed compliance rule (namely, the particular compliance rule of a plurality of

compliance rules). (See Sep. 26, 2007 Office Action, page 3.) In particular, the Examiner provided the following explanation in support of the obviousness rejection of claim 1 based on Spencer and Albazz. First, with respect to the claim 1 recitation of “user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” the Examiner stated that “[t]he user inputs attributes of RFP and responses to the RFP are inputted into the system – col. 8, lines 5-38 [of Spencer] – and evaluated according to compliance rules taught by Albazz.” (See Sep. 26, 2007 Office Action, page 3.) Next, with respect to the claim 1 recitation of “user input specifying the particular compliance rule of a plurality of compliance rules,” the Examiner stated that “Albazz teaches compliance rules – terms and conditions p. 5, 56-59).” (See Sep. 26, 2007 Office Action, page 3.)

The Examiner's positions cannot be sustained for several reasons. First, the Examiner's position with respect to response attributes and data in Spencer is contrary to the usage of the phrase “response attributes” and “response attribute data” in the claim (note the last element of claim 1 on the latter claim phrase of “response attribute data”). In other words, the claim term “response attribute” refers not to an answer to a question, but rather refers to an attribute in the database sense for which a respondent may provide attribute “data.” For example as disclosed in Applicant's specification, a response attribute may be a “supplier location” or a “material ID” (see FIG. 9A), whereas data for these attribute may be, respectively, Arlington, VA and #57194. As such, the “response attribute” is not the information provided by a respondent or bid submitter, but rather is the type of information that is set up to be collected. Thus, while the claimed “response attribute data” referred to in the last element of claim 1 may constitute answers to questions, the response attribute itself cannot be met by the answers to questions shown in Spencer.

Moreover, what the Examiner has called “compliance rules” from Albazz (contract “terms and conditions” that are locked in, and later used during execution of the contract) do not correspond to the claimed compliance rule of Applicant's claim 1 (which includes both a particular response attribute for which data are received in a supplier's response and a particular compliance rule), and moreover, are not used in a manner required by Applicant's claim 1 (for evaluation of a supplier response to an opportunity). Indeed, the locked “terms and conditions”



of a contract in Albazz cannot be the claimed “compliance rule” of Applicant’s claim 1, because, again, Applicant’s claim 1 requires that the association of a compliance rule with an opportunity involve the receipt of user input that specifies both “a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule” and “the particular compliance rule of a plurality of pre-defined compliance rules.” The “terms and conditions” of Albazz are not such a compliance rule. Nothing about the Albazz terms and conditions can be considered to be a “particular response attribute” or a “particular compliance rule.”

The locked “terms and conditions” of Albazz are not used for an evaluation of a supplier’s response to an opportunity, as Applicant’s claim 1 requires. Applicant’s claim 1 requires this by reciting, in its last element, “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.” In sharp contrast, Albazz discloses that the “terms and conditions” are used later in that subsequent contractual activities under the contract are executed through the contract as a conduit, which automatically inserts values from the parameters in the contract. (Paras. 0017 and 0083.) In other words, the “terms and conditions” of Albazz serve as a template of sorts to insert terms on various documents created during the execution of a contract. They are not used in any way to evaluate anything, let alone evaluate proposals of suppliers, as is recited in Applicant’s claim 1.

As such, there is no basis to use Albazz’s disclosure of locked contract “terms and conditions” as support for the use of a particular type of compliance rule set forth in Applicant’s claim 1, or as support for the evaluation of response data in the manner required by claim 1. There absolutely is no disclosure or suggestion that Albazz’s locked terms and conditions can be used as a compliance rule in a process of evaluating supplier proposals (responses to opportunities). As such, it was improper for the Examiner to combine the unrelated teachings in the Spencer and Albazz references in the manner done, and even when the teachings of the two references are combined, there has been no prima facie case of obviousness made out by the Examiner.

Accordingly, Applicant respectfully request that the obviousness rejection of claim 1 be reversed, as well as the rejection of dependent claims 2-11.



Claims 12-15 are patentable over Spencer and Albazz

With respect to Applicant's independent claim 12, there is no disclosure or suggestion in any reference of record of a method that includes the following: a) receiving user input via a computer-user interface, the input specifying a particular response attribute of a plurality of response attributes to evaluate using a compliance rule; b) receiving user input specifying a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute; and c) receiving user input specifying an action to take based on evaluating the attribute data using the particular compliance rule.

As discussed above in connection with claim 1, neither Spencer nor Albazz discloses or suggests a method in which there is included the specification of both a particular response attribute of a plurality of response attributes to evaluate using a compliance rule and a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute. Further yet, neither Spencer nor Albazz discloses or suggests "receiving user input specifying an action to take based on evaluating the attribute data using the particular compliance rule." Indeed, there is no evaluation of the attribute data using the particular compliance rule, and hence can be no receipt of "user input specifying an action to take based on evaluating the attribute data using the particular compliance rule" as recited in claim 12. Again, as discussed above in connection with claim 1, Spencer does not disclose or suggest the specific type of compliance rule that is specified in the claim, and Albazz does not either.

Accordingly, Applicant respectfully requests that the obviousness rejection of claim 12 be reversed, as well as the rejection of dependent claims 13-15.

Claims 16-26 are patentable over Spencer and Albazz

With respect to Applicant's independent claim 16, there is no disclosure or suggestion in any reference of record of an article comprising machine-readable medium storing instructions operable to cause one or more machines to perform operations that include a) "receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the

particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules; b) “receiving a response from the potential supplier, the response including response attribute data for the particular response attribute;” and c) “evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

As discussed above in connection with claim 1, neither Spencer nor Albazz discloses or suggests operations in which there is included the specification of both a particular response attribute of a plurality of response attributes to evaluate using a compliance rule and a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute. Again, as discussed above in connection with claim 1, Spencer does not disclose or suggest the specific type of compliance rule that is specified in the claim, and Albazz does not either. Further yet, neither Spencer nor Albazz discloses or suggests “receiving a response from the potential supplier, the response including response attribute data for the particular response attribute;” and “evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

Accordingly, Applicant respectfully requests that the obviousness rejection of claim 16 be reversed, as well as the rejection of dependent claims 17-26.

Claims 27-37 are patentable over Spencer and Albazz

With respect to Applicant's independent claim 27, there is no disclosure or suggestion in any reference of record of a system that includes a) “means for receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules; b) “means for receiving a response from the potential supplier, the response including response attribute data for the particular response attribute;” and c) “means for evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

As discussed above in connection with claim 1, neither Spencer nor Albazz discloses or suggests operations in which there is included the specification of both a particular response

attribute of a plurality of response attributes to evaluate using a compliance rule and a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute. Again, as discussed above in connection with claim 1, Spencer does not disclose or suggest the specific type of compliance rule that is specified in the claim, and Albazz does not either. Further yet, neither Spencer nor Albazz discloses or suggests "receiving a response from the potential supplier, the response including response attribute data for the particular response attribute;" and "evaluating the response attribute data for the particular response attribute using the particular compliance rule."

Accordingly, Applicant respectfully requests that the obviousness rejection of claim 27 be reversed, as well as the rejection of dependent claims 28-37.

### **Conclusion**

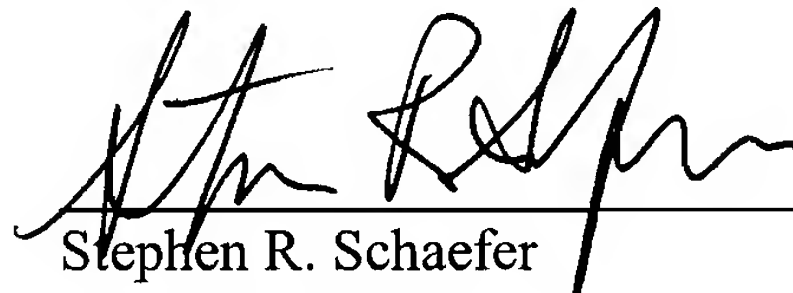
Applicant submits that claims 1-37 define subject matter that are patentable over the references of record, and respectfully requests that the obviousness rejections of claims 1-37 be reversed.

The fee in the amount of \$510 in payment of the brief fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

May 27, 2008

  
\_\_\_\_\_  
Stephen R. Schaefer  
Reg. No. 37,927

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

### **Appendix of Claims**

1. A computer-implemented method comprising:  
receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction;  
receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules;  
generating the opportunity using a computer-implemented bidding tool, wherein the opportunity includes the opportunity data, and wherein generating the opportunity comprises associating the particular compliance rule with the opportunity;  
electronically communicating the opportunity to a potential supplier;  
electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and  
using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.
2. The method of claim 1, further comprising performing an action based on the evaluating.
3. The method of claim 2, wherein the action comprises flagging the response.
4. The method of claim 2, wherein the action comprises assigning a weight to the response.
5. The method of claim 2, wherein the action comprises discarding the response.

6. The method of claim 1, wherein the plurality of pre-defined compliance rules includes a discard rule for discarding a response based on response attribute data.

7. The method of claim 1, wherein the plurality of pre-defined compliance rules includes a weighting rule for assigning a weight to a response based on response attribute data.

8. The method of claim 1, wherein the plurality of pre-defined compliance rules includes a processing rule for processing the response based on response attribute data.

9. The method of claim 1, further comprising automatically determining a winner for the opportunity.

10. The method of claim 1, wherein the particular response attribute is a supplier identification.

11. The method of claim 10, wherein the particular compliance rule is a supplier ranking rule, and wherein evaluating the response attribute data for the particular response attribute using the particular compliance rule comprises assigning a weight to the response based on the supplier identification.

12. A computer-implemented method, comprising:  
receiving user input via a computer-user interface, the input specifying a particular response attribute of a plurality of response attributes to evaluate using a compliance rule;  
receiving user input specifying a particular compliance rule of a plurality of pre-defined compliance rules to evaluate attribute data for the particular response attribute; and  
receiving user input specifying an action to take based on evaluating the attribute data using the particular compliance rule.

13. The method of claim 12, further including receiving user input to associate the particular compliance rule with a later-created opportunity representing a particular commercial transaction.

14. The method of claim 13, wherein the user input includes a criterion to automatically determine whether to associate the particular compliance rule with the later-created opportunity.

15. The method of claim 12, further including:  
receiving user input to create an opportunity representing a desired commercial transaction;  
communicating the opportunity to a potential supplier;  
receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and  
evaluating the response attribute data for the particular response attribute using the particular compliance rule.

16. An article comprising a machine-readable medium storing instructions operable to cause one or more machines to perform operations comprising:  
receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction;  
receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules;  
communicating the opportunity to a potential supplier;  
receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and



evaluating the response attribute data for the particular response attribute using the particular compliance rule.

17. The article of claim 16, wherein the operations further comprise performing an action based on the evaluating.

18. The article of claim 17, wherein the action comprises flagging the response.

19. The article of claim 17, wherein the action comprises assigning a weight to the response.

20. The article of claim 17, wherein the action comprises discarding the response.

21. The article of claim 16, wherein the plurality of pre-defined compliance rules includes a discard rule for discarding a response based on response attribute data.

22. The article of claim 16, wherein the plurality of pre-defined compliance rules includes a weighting rule for assigning a weight to a response based on response attribute data.

23. The article of claim 16, wherein the plurality of pre-defined compliance rules includes a processing rule for processing the response based on response attribute data.

24. The article of claim 16, wherein the operations further comprise automatically determining a winner for the opportunity.

25. The article of claim 16, wherein the particular response attribute is a supplier identification.

26. The article of claim 25, wherein the particular compliance rule is a supplier ranking rule, and wherein evaluating the response attribute data for the particular response

attribute using the particular compliance rule comprises assigning a weight to the response based on the supplier identification.

27. A system, comprising:

means for receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction;

means for receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules;

means for generating the opportunity including the opportunity data;

means for associating the particular compliance rule with the opportunity;

means for communicating the opportunity to a potential supplier;

means for receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and

means for evaluating the response attribute data for the particular response attribute using the particular compliance rule.

28. The system of claim 27, further comprising means for performing an action based on the evaluating.

29. The system of claim 28, wherein the action comprises flagging the response.

30. The system of claim 28, wherein the action comprises assigning a weight to the response.

31. The system of claim 28, wherein the action comprises discarding the response.

32. The system of claim 27, wherein the plurality of pre-defined compliance rules includes a discard rule for discarding a response based on response attribute data.

33. The system of claim 27, wherein the plurality of pre-defined compliance rules includes a weighting rule for assigning a weight to a response based on response attribute data.

34. The system of claim 27, wherein the plurality of pre-defined compliance rules includes a processing rule for processing the response based on response attribute data.

35. The system of claim 27, further comprising means for automatically determining a winner for the opportunity.

36. The system of claim 27, wherein the particular response attribute is a supplier identification.

37. The system of claim 36, wherein the particular compliance rule is a supplier ranking rule, and wherein evaluating the response attribute data for the particular response attribute using the particular compliance rule comprises assigning a weight to the response based on the supplier identification.

Applicant : David Wong  
Serial No. : 10/632,701  
Filed : July 31, 2003  
Page : 24 of 25

Attorney's Docket No.: 13914-028001 / 2003P00198US

## **Evidence Appendix**

None.

Applicant : David Wong  
Serial No. : 10/632,701  
Filed : July 31, 2003  
Page : 25 of 25

Attorney's Docket No.: 13914-028001 / 2003P00198US

### **Related Proceedings Appendix**

None.